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FILED

NOV 05 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF OHIO

9 Timothy J. Rosenberger, Jr,

10 Plaintiff,

11 v.

12 John Ma, Ma's Marketing and Consulting
13 Inc., Zhi Ma, Winnie Ma

14 Defendants.
15
16
17
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Case No. **1:21 CV 2121**

COMPLAINT

JUDGE OLIVER

Jury Trial Demanded

MAG. JUDGE PARKER

19 **Preliminary Statement**

20 1. This is an action for damages brought by an individual Timothy J.
21 Rosenberger, Jr. against defendants John Ma, Ma's Marketing and Consulting Inc.,
22 Zhi Ma, and Winnie Ma for violation of theft, Ohio Revised Code § 2307.61

23 **The Parties**

24 2. Plaintiff is an individual who resides in and owns his home at 1791
25 Randall Rd. Cleveland, Ohio 44113.

26 3. Defendant John Ma is an individual and the former owner of an adjacent
27
28

1 property, 4111 John Court, Cleveland, Ohio 44113, and is now a resident of
2 California.

3 4. Defendant Ma's Marketing & Consulting Inc. is a California based
4 corporation.
5

6 5. Defendant Zhi Ma is an individual who resides in California.

7 6. Defendant Winnie Ma is an individual who resides in California.
8

9 **Jurisdiction & Venue**

10 7. This Court has jurisdiction based by federal question jurisdiction
11 pursuant to 28 USC §1332.
12

13 8. The court has supplemental jurisdiction over the state law claims
14 pursuant to 15 USC § 1367.
15

16 9. Venue is proper as the alleged violations arose in this district.

17 **Description of the Case**

18 10. From February 2017 through the present time, plaintiff Timothy J.
19 Rosenberger, Jr. has been the owner of the property located at 1789-1791 Randall Rd.
20 Cleveland, Oh 44113.
21

22 11. On or about April 16, 2017, defendant, John Ma, purchased the home
23 adjacent to plaintiff's property, 4111 John Court, Cleveland, OH 44113.
24

25 12. Defendant John Ma's property did not have its own water meter and
26 instead drew water from plaintiff's metered connection. Defendant Ma knew, or
27 reasonably should have known, that he was not paying for water and therefore
28

1 engaged in theft.

2 13. Plaintiff was unaware that the Defendant's, and the adjacent property,
3 were engaged in theft of water.
4

5 14. Throughout defendant John Ma's ownership, defendant's Ma's
6 Marketing and Consulting Inc, Zhi Ma, and Winnie Ma, all engaged in water theft
7 through the undisclosed connection.
8

9 15. Beginning in early 2020, plaintiff's, always high, water bills climbed
10 dramatically. Plaintiff engaged a plumber to repair leaks, limited use of water, and
11 engaged in other attempts at remediation, all without success in mitigating the high
12 water bills.
13

14 16. On or around June 3, 2021, defendant John Ma sold his property at 4111
15 John Court to a church.
16

17 17. Church officials immediately realized that they did not have a water
18 meter and, after calling the City of Cleveland, learned that they drew water from
19 plaintiff's meter. Church officials brokered an agreement to purchase water from
20 plaintiff.
21

22 18. On or around September 1, 2021, church officials discovered a major
23 fault in the plumbing at 4111 John Court. Plumbers deemed this fault to have been
24 longstanding, resulting in significant leakage of water.
25

26 19. On or around September 15, 2021, church officials remediated this fault,
27 resulting in significant reductions in water consumption.
28

Claim: Civil Action for Theft —Ohio Revised Code § 2307.61

20. Plaintiff incorporates by reference ¶¶ 1-19.

21. The above referenced code provides civil remedies for individuals who have been victims of theft.

22. The Act defines “theft” to include “services” such as “public utility services” ORC § 2913.01(E).

23. Within 48 hours of receiving information from the church about the water theft, plaintiff contacted defendant John Ma by phone and text. No response was provided.

24. Within 14 days of receiving information about the water theft, plaintiff contacted defendants Ma’s Marketing and Consulting Inc, Zhi Ma, and Winnie Ma by phone. No calls were returned.

25. Defendants engaged in theft and refused offers to correct the matter - plaintiff is therefore entitled to the remedies under the ORC, including actual damages, statutory damages, fees and costs.

PRAYER

WHEREFORE, plaintiff prays for judgment as follows:

On the claim: Actual damages, statutory damages, punitive damages, pain and suffering and punitive damages, fees and costs.

1 Dated: October 4, 2021

2
3
4 By


Pro Se

5
6 DEMAND FOR JURY TRIAL

7 Plaintiff demands a trial by jury on all issues.

8
9 Dated: ~~September 23, 2019.~~

10 *October 6, 2021*

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13 *Pro Se*